



Washington, D.C. 20505

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OCA 3430-88

18 OCT 1988

The Honorable Louis Stokes, Chairman
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I write to provide you the views of the Central Intelligence Agency on the so-called "drug czar" provisions of the two omnibus, anti-drug bills currently before the Congress: H.R. 5210, the "Omnibus Drug Initiative Act of 1988" and S. 2852, the "Omnibus Anti-Substance Abuse Act of 1988." This letter supplements the 6 September 1988 letter of the Director of Central Intelligence (DCI) on this same subject (copy enclosed).

We recognize the importance of combatting the production, trafficking and use of illegal drugs and fully support the need for responsible legislation to bolster the nation's anti-drug efforts. Moreover, we recognize there is an important role for the Agency and the Intelligence Community to play in that effort.

As the Congress has been advised previously, the Administration believes that a decision should not be made at this time to establish a single officer with government-wide authority over federal assets deployed by various agencies with authority to combat illegal drugs until a new President has been elected and has had an opportunity to make recommendations to Congress in that regard.

The Agency has particular concerns with three aspects of any proposed drug czar legislation: program autonomy; budget autonomy; and information protection. As the Director's letter noted, when the Congress passed the National Narcotics Act of 1984 (Ch. XIII, P.L. 98-473), it included a provision to preserve the authorities of the Director of Central Intelligence in these areas with respect to the National Drug Policy Board (Sec. 1304(d); 21 U.S.C. §1203(d)). This provision reflected the importance of protecting intelligence sources and methods and of maintaining the organizational integrity of the Intelligence Community. When "drug czar" legislation was

introduced in this Congress, many of the bills (including H.R. 4868 and H.R. 4446) contained provisions mirroring this section.

Neither H.R. 5210 as passed by the House nor S. 2852 as introduced in the Senate, however, contains such a provision. The Senate bill did contain a provision (Section 1007 (a) (2)) to protect intelligence sources and methods. Both bills currently have provisions that would undercut the fiscal and programmatic autonomy needed to ensure that vital national intelligence priorities, including narcotics intelligence, are met. In addition, there are provisions in the House bill undercutting the vital statutory authority of the Director of Central Intelligence to protect sensitive sources and methods of intelligence.

We urge the Congress to carry forward in any future legislation on the organization of the U.S. government to combat narcotics the contents of Section 1304(d) of the National Narcotics Act.

As the Director stated, we recognize the importance the President, the Congress and the American people place on fighting drugs. The Intelligence Community, for its part, has increased its efforts in this area and will continue to do so. Weakening the authorities of the Director of Central Intelligence would impair the nation's capabilities to fight the war on drugs and have an adverse impact on our ability to provide timely and useful intelligence information.


Thank you for the opportunity to comment on this important legislation. We stand ready to discuss the matter with you or your staff at your convenience.

The Office of Management and Budget advises that there is no objection to the submission of this report.

A copy of the letter is being provided to Ranking Minority Member Hyde.

Sincerely yours,

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John L. Helgerson
Director of Congressional Affairs

Enclosure

13 October 1988
OCA 3430-88

SUBJECT: Letter to Stokes regarding Drug Legislation on the
"Drug Czar" Provisions

OCA/LEG/ [] (13 October 1988)

STAT

Distribution:

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Washington, D.C. 20510

6 September 1983

The Honorable Robert C. Byrd
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

I write as head of the Intelligence Community to express my concern about the "drug czar" portion of the omnibus, anti-drug legislation currently being drafted in the Senate.

When the Congress created the Drug Policy Board in 1984, it adopted a provision that preserved, vis-a-vis the Board, the authorities of the Director of Central Intelligence (DCI) in the areas of program and budget management and intelligence information protection: 21 U.S.C. §1203(d). When "drug czar" legislation was again introduced in this Congress, many of the bills (including S. 15 and S. 789) contained provisions virtually identical to 21 U.S.C. §1203(d).

Recent drafts of the bipartisan staff working group on the "drug czar" portion of the omnibus bill, however, indicate that while the "intelligence information protection" aspect of existing law was retained, DCI program and budget management authorities were deleted.

I commend the recognition of the importance of protecting sensitive intelligence information. I ask, however, that 21 U.S.C. §1203(d) in its entirety be restored to the bipartisan draft and preserved in any final legislation on this subject.

As you know, the position of DCI was created after World War II in recognition of lessons, painfully learned, that intelligence activities must be centrally directed. These lessons are as cogent today as they were some forty years ago. Indeed, the size and complexity of the demands placed upon the

Intelligence Community to support our nation's policymakers make it even more important that the DCI retain his authorities to manage Community programs and allocate budgetary resources accordingly.

I recognize the importance the President, Congress and the American people place on fighting drugs. The Intelligence Community, for its part, has increased its efforts in this area and will continue to do so.

In the long run, however, weakening the DCI's authorities will not enhance the nation's capabilities to fight the war on drugs. I have no doubt, though, that it will have an adverse impact on our ability to provide timely and meaningful intelligence information.

Thank you for the opportunity to comment on this important legislation. Both my staff and I stand ready to discuss the matter with you or your staff at your convenience.

The Office of Management and Budget advises that there is no objection to the submission of this report.

A copy of this letter is being provided to Senators Dole, Nunn, Glenn, Thurmond, Roth, Boren, and Cohen.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William H. Webster", with a stylized flourish at the end.

William H. Webster
Director of Central Intelligence

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| TO : D/OCA | | CONTROL # OCA 3430-88 | DATE OF REQUEST |
| FROM : | | SUSPENSE DATE | |
| SUBJECT : Views Letter to HPSCI on Drug Czar STAT | | | |
| NOTES Per our discussions | | | |
| COORDINATED WITH (list names as well as offices) | | | |
| NAME Leo Hazelwood | | OFFICE Comptroller | DATE |
| NAME | | OFFICE | DATE |
| NAME | | OFFICE | DATE |
| NAME | | OFFICE | DATE |
| ACTION REQUIRED BY D/OCA Sign Letter So We Can Transmit to HPSCI Before COB This P.M. | | | |